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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
invasion of personal privacy**



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FILE:



Office: NATIONAL BENEFITS CENTER

Date:

DEC 23 2005

IN RE:

Applicant:



APPLICATION:

Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that he had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant submits a separate statement in which he reaffirms his eligibility for permanent resident status under the LIFE Act as one who had applied for class membership in the *CSS/LULAC* class-action lawsuit. The applicant provides affidavits from acquaintances who attest to his residence in the United States since 1981.

An applicant for permanent resident status under the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in any of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (CSS), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (LULAC), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993) (Zambrano). See 8 C.F.R. § 245a.10.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States *prior to January 1, 1982*. On the applicant's G-325A Biographic Information Form, dated and signed by the applicant on April 24, 2002, the applicant indicated that he resided in his native Bangladesh from June 1964 until October 1985. Given the applicant's inability to meet the statutory requirement of residence in the United States since before January 1, 1982, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Accordingly, the issue of whether the applicant applied for class membership in the *CSS-LULAC* lawsuit is moot. Nevertheless, give the nature of the documentation the applicant submitted on this issue, some discussion is warranted.

In support of his LIFE application, the applicant submitted the following photocopied documentation:

- 1) a notice dated November 18, 1988, from the New York City office of Citizenship and Immigration Services (CIS) acknowledging receipt from the applicant of a Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker (SAW);
- 2) a Form I-797, Notice of Action dated October 3, 1991 from the Vermont Service Center informing the applicant that a previously scheduled interview to determine eligibility for class membership under *CSS/LULAC* would be cancelled and rescheduled for another date;
- 2) a Form I-797, Notice of Action dated November 2, 1994 from the Vermont Service Center informing the applicant that his check/money order was being returned to him because his application did not require a fee;
- 3) a Form I-797, Notice of Action dated May 23, 1996 from the Vermont Service Center informing the applicant that the motion and corresponding fee that he submitted to reopen a previously denied application for temporary resident status under either section 210 or 245A of the Immigration and Nationality Act (the Act) were being returned as regulations did not allow for the filing of a motion on Legalization cases filed under section 245a or 210 of the Act;

- 4) a Legalization Front-Desk Questionnaire allegedly signed by the applicant on January 10, 2000;
- 5) a Form I-687 application purportedly signed by the applicant on July 28, 1987; and
- 6) documentation from acquaintances and employers attesting to the applicant's residence and employment in the United States during the requisite period.

While the documentation from acquaintances and employers may attempt to serve as evidence of the applicant's residency and employment, they do not establish that the applicant filed a timely written claim for class membership prior to October 1, 2000. The remaining documents could possibly be considered as evidence of having made a written claim for class membership, however, none of these submissions include a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245.14(b). Furthermore, there is no record of CIS generating the photocopied notices listed above or receiving any application allegedly submitted by the applicant. Clearly, the applicant did *not* file the Form I-700 or Form I-687 applications. If he had, an A-file would have been created at that point. As he did not file those applications, he could not have filed a motion to reopen the application. The photocopied documents the applicant has submitted cannot be authentic.

Doubt cast on any aspect of an applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence. It is incumbent upon an applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I. & N. Dec. 582 (BIA 1988).

It is concluded that the photocopies the applicant has submitted do not establish that he actually filed a written claim for class membership in *CSS/LULAC*, as required in section 1104(b) of the LIFE Act. In addition, for failure to meet the statutory requirement, and because the applicant acknowledges that he did not enter and begin residing in United States prior to January 1, 1982, as required in section 1104(c)(2)(B)(i) of the Act, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.